

House File 573 - Enrolled

House File 573

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, OR REMOVE AMBIGUITIES, AND INCLUDING EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 9C.9, Code 2023, is amended to read as follows:

9C.9 Penalty.

Any merchant, whether an individual person, a firm, corporation, partnership, or association, violating any of the provisions of **this chapter** shall be guilty of a simple misdemeanor. Each sale made in violation of the provisions hereof of this chapter shall be and constitute a separate offense.

Sec. 2. Section 9G.4, Code 2023, is amended to read as follows:

9G.4 Land office — how kept — certified copies.

The land office shall be kept open during business hours. The documents and records ~~therein~~ in the land office shall be subject to inspection by parties having an interest ~~therein,~~ and certified in the documents and records. Certified copies ~~thereof~~ of a document or record in the land office, signed by the secretary, with the seal of office attached, shall be deemed presumptive evidence of the facts to which they relate, ~~and on.~~ Upon request they, certified copies of documents or records shall be furnished by the secretary for a reasonable compensation fee.

Sec. 3. Section 15E.305, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The maximum amount of tax credits granted to a taxpayer shall not exceed one hundred thousand dollars ~~of the aggregate amount of tax credits authorized.~~

Sec. 4. Section 15F.403, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Moneys in the fund are appropriated to the authority for purposes of providing financial assistance to cities, counties, and public entities under the sports tourism marketing and infrastructure program established and administered pursuant to [this subchapter](#).

Sec. 5. Section 24.30, Code 2023, is amended to read as follows:

24.30 Review by and powers of board.

It shall be the duty of the state board to review and finally pass upon all proposed budget expenditures, tax levies, and tax assessments from which appeal is taken ~~and it.~~ The state board shall have power and authority to approve, disapprove, or reduce all such proposed budgets, expenditures, and tax levies so submitted to it upon appeal, as ~~herein~~ provided in this chapter; but in no event may it increase such budget, expenditure, tax levies or assessments or any item contained therein. ~~Said~~ The state board shall have authority to adopt rules not inconsistent with the provisions of [this chapter](#), to employ necessary assistants, authorize such expenditures,

require such reports, make such investigations, and take such other action as it deems necessary to promptly hear and determine all such appeals; provided, however, that all persons so employed shall be selected from persons then regularly employed in some one of the offices of the members of ~~said~~ the state board.

Sec. 6. Section 27A.1, Code 2023, is amended by adding the following new unnumbered paragraph before subsection 1:

NEW UNNUMBERED PARAGRAPH. As used in this chapter:

Sec. 7. Section 29C.6, subsection 3, Code 2023, is amended to read as follows:

3. When the president of the United States has declared a major disaster to exist in the state and upon the governor's determination that a local government of the state will suffer a substantial loss of tax and other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, apply to the federal government, on behalf of the local government for a loan, receive and disburse the proceeds of any approved loan to any applicant local government, determine the amount needed by any applicant local government to restore or resume its governmental functions, and certify the same to the federal government; however, no application amount shall exceed twenty-five percent of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs. The governor may recommend to the federal government, based upon the governor's review, the cancellation of all or any part ~~or~~ of repayment when, in the first three full fiscal year period following the major disaster, the revenues of the local government are insufficient to meet its operating expenses, including additional disaster-related expenses of a municipal operation character.

Sec. 8. Section 34A.8, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The director, program manager, joint 911 service board, local emergency management commission established pursuant to [section 29C.9](#), the designated next generation 911 network service provider, and the public safety answering point, and their agents, employees, and assigns shall use local exchange

service information provided by the local exchange service provider solely for the purposes of providing 911 emergency telephone service or providing related mass notification and emergency messaging services as described in [section 29C.17A](#) utilizing only the subscriber's information, and local exchange service information shall otherwise be kept confidential. A person who violates [this section paragraph](#) is guilty of a simple misdemeanor.

Sec. 9. Section 41.1, subsection 52, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The fifty-second representative district in Marshall county shall consist of:

Sec. 10. Section 43.2, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. "Political party" shall mean a party which, at the last preceding general election, cast for its candidate for president of the United States or for governor, as the case may be, at least two percent of the total vote cast for all candidates for that office at that election. It shall be the responsibility of the state commissioner to determine whether any organization claiming to be a political party qualifies as such under ~~the foregoing definition~~ this paragraph.

Sec. 11. Section 43.50, Code 2023, is amended to read as follows:

43.50 Signing and filing of abstract.

The members of the board shall sign ~~said abstracts~~ and certify to the correctness ~~thereof~~ of the abstracts made under section 43.49, and file the ~~same~~ abstracts with the commissioner.

Sec. 12. Section 43.60, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The county board of supervisors shall also make a separate abstract of the canvass as to the following offices and certify ~~to the same~~ and forthwith forward ~~it~~ the abstract to the state commissioner, ~~viz.:~~

Sec. 13. Section 85.18, Code 2023, is amended to read as follows:

85.18 Contract to relieve not operative.

No A contract, rule, or device ~~whatsoever~~ shall not operate

to relieve the employer, in whole or in part, from any liability created by this chapter except as ~~herein~~ provided in this chapter. This section does not create a private cause of action.

Sec. 14. Section 85.38, subsection 1, Code 2023, is amended to read as follows:

1. *Contributions or donations.* The compensation ~~herein~~ provided in this chapter shall be the measure of liability which the employer has assumed for injuries or death that may occur to employees in the employer's employment subject to the provisions of this chapter, and it shall not be in anywise reduced by contribution from employees or donations from any source.

Sec. 15. Section 85.42, subsection 2, Code 2023, is amended to read as follows:

2. A child or children under eighteen years of age, and over said age if physically or mentally incapacitated from earning, whether actually dependent for support or not upon the parent at the time of the parent's death. An adopted child or children shall be regarded the same as issue of the body. ~~A child~~ The terms "child" or children "children", as used herein in this subsection, shall also include any child or children conceived but not born at the time of the employee's injury, and any compensation payable on account of any such child or children shall be paid from the date of their birth. A stepchild or stepchildren shall be regarded the same as issue of the body only when the stepparent has actually provided the principal support for such child or children.

Sec. 16. Section 85.64, Code 2023, is amended to read as follows:

85.64 Limitation of benefits.

1. If an employee who has previously lost, or lost the use of, one hand, one arm, one foot, one leg, or one eye, becomes permanently disabled by a compensable injury which has resulted in the loss of or loss of use of another such member or organ, the employer shall be liable only for the degree of disability which would have resulted from the latter injury if there had been no preexisting disability. In addition to such compensation, and after the expiration of the full period

provided by law for the payments ~~thereof~~ of compensation by the employer, the employee shall be paid out of the ~~"Second Injury Fund"~~ second injury fund created by this subchapter the remainder of such compensation as would be payable for the degree of permanent disability involved after first deducting from ~~such~~ the remainder the compensable value of the previously lost member or organ.

2. Any benefits received by any such employee, or to which the employee may be entitled, by reason of such increased disability from any state or federal fund or agency, to which ~~said~~ the employee has not directly contributed, shall be regarded as a credit to any award made against ~~said~~ the second injury fund ~~as aforesaid~~.

Sec. 17. Section 85A.2, Code 2023, is amended to read as follows:

85A.2 Employers included.

All employers as defined by the workers' compensation law of Iowa and who are engaged in any business or industrial process ~~hereinafter~~ designated and described in this chapter are employers within the provisions of ~~this chapter~~ and shall be subject ~~thereto~~ to this chapter.

Sec. 18. Section 89.4, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. Steam heating boilers and unfired steam pressure vessels associated ~~therewith~~ with steam heating boilers and mobile power boilers used exclusively for agricultural purposes.

Sec. 19. Section 89.12, Code 2023, is amended to read as follows:

89.12 Hearing — notice — decree.

The commissioner shall notify in writing the owner or user of the equipment of the time and place of hearing of the petition as fixed by the court or judge, and shall serve the notice on the defendant at least five days prior to the hearing in the same manner as original notices are served. The general provisions relating to civil practice and procedure as may be applicable, shall govern the proceedings, except as ~~herein~~ modified in this chapter. In the event the defendant does not appear or plead to the action, default shall be entered against the defendant. The action shall be tried in equity, and the

court or judge shall make such order or decree as the evidence warrants.

Sec. 20. Section 96.2, Code 2023, is amended to read as follows:

96.2 Guide for interpretation.

As a guide to the interpretation and application of this chapter, the public policy of this state is declared to be as follows: Economic insecurity due to unemployment negatively impacts the health, morals, and welfare of the people of Iowa. These undesirable consequences can be reduced by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment. **This chapter** provides for payment of benefits to workers unemployed through no fault of their own. The policy ~~herein~~ in this chapter is intended to encourage stabilization in employment, to provide for integrated employment and training services in support of state economic development programs, and to provide meaningful job training and employment opportunities for the unemployed, underemployed, economically disadvantaged, dislocated workers, and others with substantial barriers to employment. To further this public policy, the state, through its department of workforce development, will maintain close coordination among all federal, state, and local agencies whose missions affect the employment or employability of the unemployed and underemployed.

Sec. 21. Section 96.5, subsection 7, paragraph a, Code 2023, is amended to read as follows:

a. When an employer makes a payment or becomes obligated to make a payment to an individual for vacation pay, or for vacation pay allowance, or as pay in lieu of vacation, such payment or amount shall be deemed wages as defined in section 96.1A, subsection 40, and shall be applied as provided in paragraph ~~"c"~~ "c" ~~hereof~~ of this subsection 7.

Sec. 22. Section 97B.42, subsection 5, Code 2023, is amended to read as follows:

5. Nothing ~~herein~~ contained in this chapter shall be construed to permit any employer to make any public contributions or payments on behalf of an employee in the same

position for the same period of time to both the Iowa public employees' retirement system and any other retirement system in the state which is supported in whole or in part by public contributions or payments.

Sec. 23. Section 100.33, Code 2023, is amended to read as follows:

100.33 Annual report.

The state fire marshal shall file with the governor annually, at the time provided by law, a detailed report of the fire marshal's official acts and of the affairs of the fire marshal's office ~~which~~. The report shall be published and distributed in the same manner as the reports of other state officers.

Sec. 24. Section 123.32, subsection 7, Code 2023, is amended to read as follows:

7. *Appeal to administrator.* An applicant for a retail alcohol license may appeal from the local authority's disapproval of an application for a license ~~or permit~~ to the administrator. In the appeal the applicant shall be allowed the opportunity to demonstrate in an evidentiary hearing conducted pursuant to [chapter 17A](#) that the applicant complies with all of the requirements for holding the license ~~or permit~~. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections and appeals to conduct the evidentiary hearing and to render a proposed decision to approve or disapprove the issuance of the license ~~or permit~~. The administrator may affirm, reverse, or modify the proposed decision. If the administrator determines that the applicant complies with all of the requirements for holding a license ~~or permit~~, the administrator shall order the issuance of the license ~~or permit~~. If the administrator determines that the applicant does not comply with the requirements for holding a license ~~or permit~~, the administrator shall disapprove the issuance of the license ~~or permit~~.

Sec. 25. Section 123.34, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. The fee for the five-day retail alcohol license is one-eighth of the annual fee for that class of license ~~or~~

permit.

Sec. 26. Section 123.39, subsection 3, Code 2023, is amended to read as follows:

3. When a retail alcohol license is suspended after a hearing as a result of violations of [this chapter](#) by the licensee or the licensee's agents or employees, the premises which were licensed by the license shall not be relicensed for a new applicant until the suspension has terminated or time of suspension has elapsed, or ninety days have elapsed since the commencement of the suspension, whichever occurs first. However, [this section](#) does not prohibit the premises from being relicensed to a new applicant before the suspension has terminated or before the time of suspension has elapsed or before ninety days have elapsed from the commencement of the suspension, if the premises prior to the time of the suspension had been purchased under contract, and the vendor under that contract had exercised the person's rights under [chapter 656](#) and sold the property to a different person who is not related to the previous licensee ~~or permittee~~ by marriage or within the third degree of consanguinity or affinity and if the previous licensee ~~or permittee~~ does not have a financial interest in the business of the new applicant.

Sec. 27. Section 123.46A, subsection 2, Code 2023, is amended to read as follows:

2. Licensees authorized to sell wine, beer, or mixed drinks or cocktails for consumption off the licensed premises in a container other than the original container may deliver the wine, beer, or mixed drinks or cocktails to a home or other designated location in this state only if the container other than the original container has been sold and securely sealed in compliance with [this chapter](#) or the rules of the division. Deliveries shall be limited to alcoholic beverages authorized by the licensee's license ~~or permit~~.

Sec. 28. Section 123.49, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Knowingly permit any gambling, except in accordance with chapter 99B, [99D](#), [99F](#), or [99G](#), or knowingly permit solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license ~~or permit~~.

Sec. 29. Section 123.50, subsection 2, Code 2023, is amended to read as follows:

2. The conviction of any retail alcohol licensee for a violation of any of the provisions of [section 123.49](#), subject to [subsection 3](#) of [this section](#), is grounds for the suspension or revocation of the license ~~or permit~~ by the division or the local authority. However, if any retail alcohol licensee is convicted of any violation of [section 123.49, subsection 2](#), paragraph "a" or "e", or any retail alcohol licensee, excluding a special class "B" or class "D" retail alcohol licensee, is convicted of a violation of [section 123.49, subsection 2](#), paragraph "d", the retail alcohol license shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license holder shall be forfeited to the division. However, the division shall retain only that portion of the bond equal to the amount the division determines the license holder owes the division.

Sec. 30. Section 123.50, subsection 3, paragraphs a, b, c, and d, Code 2023, are amended to read as follows:

a. A first violation shall subject the licensee ~~or permittee~~ to a civil penalty in the amount of five hundred dollars. Failure to pay the civil penalty as ordered under section 123.39 shall result in automatic suspension of the license ~~or permit~~ for a period of fourteen days.

b. A second violation within two years shall subject the licensee ~~or permittee~~ to a thirty-day suspension and a civil penalty in the amount of one thousand five hundred dollars.

c. A third violation within three years shall subject the licensee ~~or permittee~~ to a sixty-day suspension and a civil penalty in the amount of one thousand five hundred dollars.

d. A fourth violation within three years shall result in revocation of the license ~~or permit~~.

Sec. 31. Section 123.50, subsection 3, paragraph e, subparagraphs (2) and (3), Code 2023, are amended to read as follows:

(2) Suspension shall be limited to the specific license ~~or permit~~ for the premises found in violation.

(3) Notwithstanding [section 123.40](#), revocation shall be limited to the specific license ~~or permit~~ found in violation

and shall not disqualify a licensee ~~or permittee~~ from holding a license ~~or permit~~ at a separate location.

Sec. 32. Section 123.50, subsection 4, Code 2023, is amended to read as follows:

4. In addition to any other penalties imposed under this chapter, the division shall assess a civil penalty up to the amount of five thousand dollars upon a class "E" retail alcohol licensee when the class "E" retail alcohol license is revoked for a violation of [section 123.59](#). Failure to pay the civil penalty as required under [this subsection](#) shall result in forfeiture of the bond to the division. However, the division shall retain only that portion of the bond equal to the amount the division determines the license ~~or permit~~ holder owes the division.

Sec. 33. Section 123.56, subsection 2, Code 2023, is amended to read as follows:

2. If the county attorney or city attorney for the county or city where the licensed premises is located has reason to believe a public safety nuisance that constitutes a serious threat to the public safety exists, the county attorney or city attorney, or an attorney acting at the direction of the county attorney or city attorney, may file a suit in equity in district court without bond seeking abatement of a public safety nuisance ~~arising from~~ occurring at a premises licensed under [this chapter](#) pursuant to the requirements of this section.

Sec. 34. Section 123.173, subsection 3, Code 2023, is amended to read as follows:

3. A class "A" wine permittee shall be required to deliver wine to a retail alcohol licensee, and a retail alcohol licensee shall be required to accept delivery of wine from a class "A" wine permittee, only at the licensed premises of the retail alcohol licensee. Except as specifically permitted by the division upon good cause shown, delivery or transfer of wine from an unlicensed premises to a licensed retail alcohol licensee's premises, or from one licensed retail alcohol licensee's premises to another licensed retail alcohol licensee's premises, even if there is common ownership of all of the premises by one retail ~~permittee~~ alcohol licensee, is

prohibited.

Sec. 35. Section 124.204, subsection 2, paragraphs bv, ci, and ck, Code 2023, are amended to read as follows:

bv. ~~N-(1-(2-flouorephenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide~~ N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide. Other names: 2'-Fluoro ortho-fluorofentanyl, 2'-fluoro 2-fluorofentanyl.

ci. ~~N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide~~ N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide. Other name: ~~para-methoxybutyryl fentanyl~~ para-methoxybutyryl fentanyl.

ck. ~~N-(1-phenethylpiperidin-4-yl)-N-phenylisobutryamide~~ N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide. Other name: Isobutyryl fentanyl.

Sec. 36. Section 124.204, subsection 4, paragraph bt, Code 2023, is amended to read as follows:

bt. ~~1-(4-methoxyphenyl)-N-methylpropan-2-amine~~ 1-(4-methoxyphenyl)-N-methylpropan-2-amine.

Other names: para-methoxymethamphetamine, PMMA.

Sec. 37. Section 125.77, Code 2023, is amended to read as follows:

125.77 Service of notice.

Upon the filing of an application pursuant to section 125.75, the clerk shall docket the case and immediately notify a ~~district court judge, a district associate judge,~~ ~~or~~ magistrate who is admitted to the practice of law in this state, who shall review the application and accompanying documentation. The clerk shall send copies of the application and supporting documentation, together with the notice informing the respondent of the procedures required by this subchapter, to the sheriff, for immediate service upon the respondent. If the respondent is taken into custody under section 125.81, service of the application, documentation, and notice upon the respondent shall be made at the time the respondent is taken into custody.

Sec. 38. Section 147E.1, subsection 8, paragraph g, subparagraph (2), Code 2023, is amended to read as follows:

(2) The commission shall defend any member, officer, executive director, employee, or representative of the

commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing ~~herein~~ in this compact shall be construed to prohibit that person from retaining the person's own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

Sec. 39. Section 147E.1, subsection 11, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated ~~hereunder~~ under this compact shall have standing as statutory law.

Sec. 40. Section 152.1, subsection 7, paragraphs f and g, Code 2023, are amended to read as follows:

~~f. Apply to the abilities enumerated in paragraphs "a" through "e" of this subsection scientific principles, including the principles of nursing skills and of biological, physical, and psychosocial sciences.~~

~~g. f.~~ Under a pharmacist's order and consistent with this subsection, assist in the administration of immunizations and vaccinations and the utilization of statewide protocols pursuant to [section 155A.33B](#).

g. Apply to the abilities enumerated in paragraphs "a" through "f" of this subsection scientific principles, including the principles of nursing skills and of biological, physical, and psychosocial sciences.

Sec. 41. Section 189A.7, subsection 12, Code 2023, is amended to read as follows:

12. Serve as a representative of the governor for consultation with ~~said~~ the secretary of agriculture of the United States under paragraph "c" of section 301 of the federal Meat Inspection Act and paragraph "c" of section 5 of the

federal Poultry Products Inspection Act unless the governor selects another representative.

Sec. 42. Section 189A.17, subsection 4, paragraphs c and e, Code 2023, are amended to read as follows:

c. The district court may, in case of failure or refusal to obey a subpoena issued ~~herein~~ under this section to any person, enter an order requiring such person to appear before the secretary or to produce documentary evidence if so ordered, or to give evidence concerning the matter in question; and any failure to obey such order of the court may be punished by such court as contempt.

e. The secretary may order testimony to be taken by deposition in any proceeding or investigation pending under this chapter at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the secretary and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under the person's direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the secretary as ~~herein~~ provided in this section.

Sec. 43. Section 206.2, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. In the case of a pesticide ~~other than~~ that is not a plant growth regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests.

Sec. 44. Section 232.78, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. The application for the order includes a statement of the facts to support the findings specified in paragraphs "a", "b", "c", and "d".

Sec. 45. Section 232.104, subsection 1, paragraph a, subparagraph (2), Code 2023, is amended to read as follows:

(2) For an order entered under [section 232.102](#), for which the court has waived reasonable efforts requirements under ~~section 232.102, subsection 12~~ 232.102A, subsection 4, the

permanency hearing shall be held within thirty days of the date the requirements were waived.

Sec. 46. Section 256.84, subsection 5, Code 2023, is amended to read as follows:

5. The board shall establish guidelines for and may impose and collect fees and charges for services. Fees and charges collected by the board for services shall be deposited to the credit of the division. Any interest earned on these receipts, and revenues generated under [subsection 7 6](#), shall be retained and may be expended by the division subject to the approval of the board.

Sec. 47. Section 257.3, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. The amount paid to each school district for the tax replacement claim for industrial machinery, equipment, and computers under [section 427B.19A](#) shall be regarded as property tax. The portion of the payment which is foundation property tax shall be determined by applying the foundation property tax rate to the amount computed under section 427B.19, subsection 3, paragraph "a", as adjusted by [section 427B.19, subsection 3, paragraph "d"](#), if any adjustment was made.

Sec. 48. Section 261.73, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Each applicant for loan forgiveness shall, in accordance with the rules of the commission, do all of the following:

Sec. 49. Section 261.116, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Each applicant for an award shall, in accordance with the rules of the commission, do all of the following:

Sec. 50. Section 262.44, subsection 3, Code 2023, is amended to read as follows:

3. Construct, equip, furnish, maintain, operate, manage, and control any or all of the buildings, structures, facilities, areas, additions, or improvements ~~hereinbefore~~ enumerated in this section.

Sec. 51. Section 262.58, Code 2023, is amended to read as follows:

262.58 Rates and terms of bonds or notes.

Such bonds or notes may bear such date or dates, may bear

interest at such rate or rates, payable semiannually, may mature at such time or times, may be in such form, carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face thereof of the bonds or notes, and may contain such terms and covenants all as may be provided by the resolution of the board authorizing the issuance of the bonds or notes. In addition to the estimated cost of construction, the cost of the project shall be deemed to include interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, and engineering, administrative, and legal expenses. Such bonds or notes shall be executed by the president of the state board of regents and attested by the executive director of the state board of regents, secretary, or other official thereof performing the duties of the executive director of the state board of regents, and the coupons ~~thereto~~ attached to the bonds or notes shall be executed with the original or facsimile signatures of said president, executive director, secretary, or other official. Any bonds or notes bearing the signatures of officers in office on the date of the signing thereof of the bonds or notes shall be valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon shall have ceased to be such officers. Each such bond or note shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from the net rents, profits, and income derived from the operation of residence halls or dormitories, including dining and other incidental facilities, at such institution as ~~hereinbefore~~ provided in this subchapter, and that it does not constitute a charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of such bonds or notes shall be recorded in the office of the treasurer of the institution on behalf of which the same are issued, and a certificate by such treasurer to this effect shall be printed on the back of each such bond or note.

Sec. 52. Section 262.62, Code 2023, is amended to read as follows:

262.62 No obligation against state.

Under no circumstances shall any bonds or notes issued under the terms of [this subchapter](#) be or become or be construed to constitute a charge against the state of Iowa within the purview of any constitutional or statutory limitation or provision. No taxes, appropriations, or other funds of the state of Iowa may be pledged for or used to pay such bonds or notes or the interest thereon but any such bonds or notes shall be payable solely and only as to both principal and interest from the net rents, profits, and income derived from the operation of residence halls and dormitories, including dining and other incidental facilities therefor, at the institutions of higher learning under the control of the state board of regents as ~~hereinbefore~~ provided in this subchapter, and the sole remedy for any breach or default of the terms of any such bonds or notes or proceedings for their issuance shall be a proceeding either in law or in equity by suit, action or mandamus to enforce and compel performance of the duties required by [this subchapter](#) and the terms of the resolution under which such bonds or notes are issued.

Sec. 53. Section 266.7, Code 2023, is amended to read as follows:

266.7 Receiving agent.

The treasurer of the Iowa state university of science and technology is hereby authorized and empowered to receive the grants of money appropriated under the ~~said~~ Purnell Act.

Sec. 54. Section 280.13A, subsection 1, Code 2023, is amended to read as follows:

1. If a school district or nonpublic school does not provide an interscholastic activity for its students, the board of directors of that school district or the authorities in charge of the nonpublic school may complete an agreement with another school district or nonpublic school to provide for the eligibility of its students in interscholastic activities provided by that other school district or nonpublic school. A copy of each agreement completed under [this section](#) shall be filed with the appropriate organization as organization is

defined in [section 280.13](#) not later than April 30 of the school year preceding the school year in which the agreement takes effect, unless an exception is granted by the organization for good cause. An agreement completed under [this section](#) shall be deemed approved unless denied by the governing organization within ten days after its receipt. ~~A governing~~ The organization shall determine whether an agreement would substantially prejudice the interscholastic activities of other schools. An agreement denied by ~~a governing~~ the organization under [this section](#) may be appealed to the state board of education under [chapter 290](#).

Sec. 55. Section 282.20, subsection 2, Code 2023, is amended to read as follows:

2. It shall be unlawful for any school district to rebate to any pupils or their parents, directly or indirectly, any portion of the tuition collected or to be collected or to authorize or permit such pupils to receive at the expense of the district, directly or indirectly, any special compensation, benefit, privilege, or other thing of value that is not and cannot legally be made available to all other pupils enrolled in its schools. Any superintendent or board members responsible for ~~such~~ this unlawful act shall each be personally liable ~~to~~ for payment of a fine ~~of~~ in an amount not to exceed one hundred dollars. Action to recover ~~such~~ the penalty or action to enjoin ~~such~~ the unlawful act may be instituted by the board of any school district or by a taxpayer in any school district.

Sec. 56. Section 306.4, subsections 4, 5, and 6, Code 2023, are amended to read as follows:

4. *a.* Jurisdiction and control over the municipal street system shall be vested in the governing bodies of each municipality; except that the department and the municipal governing body shall exercise concurrent jurisdiction over the municipal extensions of primary roads in all municipalities. When concurrent jurisdiction is exercised, the department shall consult with the municipal governing body as to the kind and type of construction, reconstruction, repair, and maintenance and the two parties shall enter into agreements with each other as to the division of costs ~~thereof~~.

b. When the two parties cannot initially come to agreement as to the division of costs under this subsection, ~~they the~~ parties shall contract with an organization in this state to provide mediation services. The costs of the mediation services shall be equally allocated between the two parties. If after submitting to mediation the parties still cannot come to agreement as to the division of costs, the mediator shall sign a statement that the parties did not reach an agreement, and the parties shall then submit the matter for binding arbitration to a mutually agreed-upon third party. If the parties cannot agree upon a third-party arbitrator, they shall submit the matter to an arbitrator selected under the rules of the American arbitration association.

5. Jurisdiction and control over the roads and streets in any state park, state institution, or other state land shall be vested in the board, commission, or agency in control of ~~such~~ the park, institution, or other state land; except that:

a. The department and the controlling agency shall have concurrent jurisdiction over any road which is an extension of a primary road and which both enters and exits from the state land at separate points. The department may expend the moneys available for such roads in the same manner as the department expends such ~~funds~~ moneys on other roads over which the department exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, ~~and~~ type, and division of costs of construction, reconstruction, repair, and maintenance ~~and the division of costs thereof~~. In the absence of such agreement, the jurisdiction and control of such road shall remain in the department.

b. The board of supervisors of any county and the controlling state agency shall have concurrent jurisdiction over any road which is an extension of a secondary road and which both enters and exits from the state land at separate points. The board of supervisors of any county may expend the moneys available for such roads in the same manner as the board expends such ~~funds~~ moneys on other roads over which the board exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements

with each other as to the kind, ~~and type,~~ and division of costs of construction, reconstruction, repair, and maintenance ~~and the division of costs thereof.~~ In the absence of ~~such an~~ an agreement, the jurisdiction and control of ~~such the~~ the road shall remain in the board of supervisors of the county.

6. Jurisdiction and control over parkways within county parks and conservation areas shall be vested in the county conservation boards within ~~their~~ the boards' respective counties; except that:

a. The department and the county conservation board shall have concurrent jurisdiction over an extension of a primary road which both enters and exits from a county park or other county conservation area at separate points. The department may expend moneys available for such roads in the same manner as the department expends such ~~funds~~ moneys on other roads over which the department exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, ~~and type,~~ and division of costs of construction, reconstruction, repair, and maintenance ~~and the division of costs thereof.~~ In the absence of ~~such an~~ an agreement, the jurisdiction and control of ~~such the~~ the roads shall remain in the department.

b. The board of supervisors of any county and the county conservation board shall have concurrent jurisdiction over an extension of a secondary road which both enters and exits from a county park or other county conservation area at separate points. The board of supervisors of any county may expend moneys available for such roads in the same manner as the board expends such ~~funds~~ moneys on other roads over which the board exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, ~~and type,~~ and division of costs of construction, reconstruction, repair, and maintenance ~~and the division of costs thereof.~~ In the absence of ~~such an~~ an agreement, the jurisdiction and control of ~~such the~~ the roads shall remain in the board of supervisors of the county.

Sec. 57. Section 306.28, Code 2023, is amended to read as follows:

306.28 Appraisers.

If the board of supervisors is unable, by agreement with the owner, to acquire the necessary right-of-way to effect such change, a compensation commission shall be selected pursuant to section 6B.4, to appraise the damages consequent on the taking of the right-of-way.

Sec. 58. Section 306.32, Code 2023, is amended to read as follows:

306.32 Hearing — adjournment.

The board of supervisors shall proceed to a hearing on the objections or assessment of damages of any owner, mortgagee of record, and the actual occupant of such land if any of whom it has acquired jurisdiction, or if there ~~be~~ are owners, mortgagee of record, and the actual occupant of such land if any over whom jurisdiction has not been acquired, the board may adjourn such hearing until a date when jurisdiction will be complete as to all owners.

Sec. 59. Section 306.33, Code 2023, is amended to read as follows:

306.33 Hearing on objections.

The board of supervisors shall, at the final hearing, first pass on the objections to the proposed change. If objections ~~be~~ are sustained, the proceedings shall be dismissed unless the board finds that the objections may be avoided by a change of plans, and to this end an adjournment may be ordered, if necessary, in order to secure service on additional parties.

Sec. 60. Section 306.34, Code 2023, is amended to read as follows:

306.34 Hearing on claims for damages.

When objections to the proposed change are overruled, the board of supervisors shall proceed to determine the damages to be awarded to each claimant. If the damages finally awarded are, in the opinion of the board, excessive, the proceedings shall be dismissed; if not excessive, the board may, by proper order, establish such proposed change.

Sec. 61. Section 306.36, Code 2023, is amended to read as follows:

306.36 Damages on appeal — rescission of order.

If, in the opinion of the board of supervisors, the

damages as finally determined on appeal ~~be, in the opinion of the board,~~ are excessive, the board may rescind its order establishing such change.

Sec. 62. Section 306A.3, subsection 2, Code 2023, is amended to read as follows:

2. The state department of transportation shall adopt rules, pursuant to [chapter 17A](#), embodying a utility accommodation policy which imposes reasonable restrictions on placements occurring on or after the effective date of the rules, on primary road rights-of-way. The rules may require utilities to give notice to the department prior to installation of a utility system on a primary road right-of-way and obtain prior permission from the department for the proposed installation. The rules shall recognize emergency situations and the need for immediate installation of service extensions subject to the standards adopted by the department and the utilities board. The rules shall be no less stringent than the standards adopted by the utilities board pursuant to chapters 478, [479](#), and [479B](#). This ~~paragraph~~ subsection shall not be construed as granting the department authority which has been expressly granted to the utilities board to determine the route of utility installations. If the department requires a utility company permit, the department shall be required to act upon the permit application within thirty days of its filing. In cases of federal-aid highway projects on nonprimary highways, the local authority with jurisdiction over the highway and the department shall comply with all federal regulations and statutes regarding utility accommodation.

Sec. 63. Section 309.18, Code 2023, is amended to read as follows:

309.18 Compensation.

1. The board of supervisors shall fix the compensation of the county engineers.

2. ~~Said~~ The county engineers shall, in the performance of their duties, work under the directions of ~~said~~ the board and shall give bonds for the faithful performance of their duties in a sum not less than two thousand nor more than five thousand dollars, to be approved by the board.

Sec. 64. Section 309.36, Code 2023, is amended to read as follows:

309.36 Nature of survey.

The county engineer's survey shall be on the basis of the permanent improvement of said roads, as to bridge, culvert, tile, and road work.

Sec. 65. Section 309.40, Code 2023, is amended to read as follows:

309.40 Advertisement and letting.

All contracts for road or bridge construction work and materials for which the county engineer's estimate exceeds fifty thousand dollars, except surfacing materials obtained from local pits or quarries, shall be advertised and let at a public letting.

Sec. 66. Section 309.41, subsection 1, Code 2023, is amended to read as follows:

1. Contracts not embraced within the provisions of section 309.40 or 309.40A shall be either advertised and let at a public letting or, where the cost does not exceed the county engineer's estimate, let through informal bid procedure by contacting at least three qualified bidders prior to letting the contract. The informal bids received together with a statement setting forth the reasons for use of the informal procedure and bid acceptance shall be entered in the minutes of the board of supervisors meeting at which such action was taken.

Sec. 67. Section 321.1, subsection 73, Code 2023, is amended to read as follows:

73. ~~"Solid tire"~~ "Solid rubber tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Sec. 68. Section 321.18, subsection 4, Code 2023, is amended to read as follows:

4. Any special mobile equipment as ~~herein~~ defined in this chapter.

Sec. 69. Section 321.28, Code 2023, is amended to read as follows:

321.28 Failure to register.

~~The~~ If the owner of a vehicle fails to register the vehicle

under the provisions of this chapter, the treasurer shall withhold the registration of any the vehicle ~~the owner of which shall have failed to register the same under the provisions of this chapter~~, for any ~~previous~~ period or periods for which it appears that registration should have been made, until the fee for ~~such previous~~ the period or periods ~~shall be~~ is paid.

Sec. 70. Section 321.29, Code 2023, is amended to read as follows:

321.29 Renewal not permitted.

Any vehicle that was once registered in the state and by removal, but which was removed from and no longer subject to registration in this state, shall, upon being returned to this state and becoming again subject to registration, be again registered again in accordance with [section 321.20](#).

Sec. 71. Section 321.70, Code 2023, is amended to read as follows:

321.70 Dealer vehicles.

A dealer ~~registered~~ licensed under ~~this chapter~~ 322 shall not be required to register any vehicle owned by the dealer which is being held for sale or trade, provided the annual registration fee was not delinquent at the time the vehicle was acquired by the dealer. When a dealer ceases to hold any vehicle for sale or trade or the vehicle otherwise becomes subject to registration under [this chapter](#) the annual registration fee and delinquent annual registration fee, if any, shall be due for the registration year.

Sec. 72. Section 321.116, Code 2023, is amended to read as follows:

321.116 Battery electric and plug-in hybrid electric motor vehicle fees.

1. For each battery electric motor vehicle subject to an annual registration fee under [section 321.109, subsection 1, paragraph "a"](#), and operated on the public highways of this state, the owner shall pay an annual battery electric motor vehicle registration fee, which shall be in addition to the annual registration fee imposed for the vehicle under [section 321.109, subsection 1, paragraph "a"](#). For purposes of this subsection, *"battery electric motor vehicle"* means a motor vehicle equipped with electrical drivetrain components and not

equipped with an internal combustion engine, that is propelled exclusively by one or more electrical motors using electrical energy stored in a battery or other energy storage device that can be recharged by plugging into an electrical outlet or electric vehicle charging station. The amount of the fee shall be ~~as follows:~~

~~a. For the period beginning January 1, 2020, and ending December 31, 2020, sixty-five dollars.~~

~~b. For the period beginning January 1, 2021, and ending December 31, 2021, ninety-seven dollars and fifty cents.~~

~~c. On or after January 1, 2022, one hundred thirty dollars.~~

2. For each plug-in hybrid electric motor vehicle subject to an annual registration fee under section 321.109, subsection 1, paragraph "a", and operated on the public highways of this state, the owner shall pay an annual plug-in hybrid electric motor vehicle registration fee, which shall be in addition to the annual registration fee imposed for the vehicle under section 321.109, subsection 1, paragraph "a". For purposes of this subsection, "*plug-in hybrid electric motor vehicle*" means a motor vehicle equipped with electrical drivetrain components, an internal combustion engine, and a battery or other energy storage device that can be recharged by plugging into an electrical outlet or electric vehicle charging station. The amount of the fee shall be ~~as follows:~~

~~a. For the period beginning January 1, 2020, and ending December 31, 2020, thirty-two dollars and fifty cents.~~

~~b. For the period beginning January 1, 2021, and ending December 31, 2021, forty-eight dollars and seventy-five cents.~~

~~c. On or after January 1, 2022, sixty-five dollars.~~

Sec. 73. Section 321.117, subsection 2, Code 2023, is amended to read as follows:

2. In addition to the fee required for a motorcycle under subsection 1, the owner of a motorcycle that is a battery electric motor vehicle or plug-in hybrid electric motor vehicle, as those terms are defined in [section 321.116](#), shall pay an annual electric motorcycle registration fee. The amount of the fee shall be ~~as follows:~~

~~a. For the period beginning January 1, 2020, and ending December 31, 2020, four dollars and fifty cents.~~

~~b. For the period beginning January 1, 2021, and ending December 31, 2021, six dollars and seventy-five cents.~~

~~c. On or after January 1, 2022, nine dollars.~~

Sec. 74. Section 321.166, subsection 2, Code 2023, is amended to read as follows:

2. Every registration plate or pair of plates shall display a registration plate number which shall consist of alphabetical or numerical characters or a combination thereof and the name of this state, which may be abbreviated. Every registration plate issued by the county treasurer shall display the name of the county, including any plate issued pursuant to section 321.34, except Pearl Harbor and purple heart registration plates issued prior to January 1, 1997; ~~registration plates issued pursuant to section 321.34, subsection 13, paragraph "d",~~ and collegiate, fire fighter, and medal of honor registration plates. Special truck registration plates shall display the word "special". The department may adopt rules to implement [this subsection](#).

Sec. 75. Section 321.235, Code 2023, is amended to read as follows:

321.235 Provisions uniform.

The provisions of [this chapter](#) shall be applicable and uniform throughout this state and in all political subdivisions and municipalities ~~therein and no~~ in this state. Unless expressly authorized in this chapter, a local authority shall not enact or enforce any rule or regulation in conflict with the provisions of [this chapter](#) unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of [this chapter](#).

Sec. 76. Section 321.236, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Local authorities shall ~~have no power to not~~ enact, enforce, or maintain any ordinance, rule, or regulation in any way that is in conflict with, contrary to, or inconsistent with the provisions of [this chapter](#), and no such. An ordinance, rule, or regulation of said that is in conflict with, contrary to, or inconsistent with this chapter that has been or is enacted by local authorities heretofore or hereafter enacted shall not

have any force or effect. However, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, the provisions of **this chapter** shall not be deemed to prevent local authorities, ~~with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power~~, from doing any of the following:

Sec. 77. Section 327D.69, Code 2023, is amended to read as follows:

327D.69 Right to inspect.

Any or all of such schedules kept as ~~aforsaid~~ provided in sections 327D.66 and 327D.67 shall be immediately produced by such carrier for inspection upon the demand of any person.

Sec. 78. Section 327D.187, Code 2023, is amended to read as follows:

327D.187 Relief or indemnity contract.

No contract of insurance, relief, benefit, or indemnity in case of injury or death, entered into prior to the injury, between the person so injured and such corporation, or any other person or association acting for such corporation, and no acceptance of any such insurance, relief, benefit, or indemnity by the person injured, the person's surviving spouse, heirs, or legal representatives after the injury, from such corporation, person, or association, shall constitute any bar or defense to any cause of action brought under the provisions of section 327D.186; but nothing contained ~~herein~~ in this section shall be construed to prevent or invalidate any settlement for damages between the parties subsequent to injuries received.

Sec. 79. Section 328.1, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The following words, terms, and phrases when used in this chapter shall, for the purposes of **this chapter**, have the meanings ~~herein~~ given in this section, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:

Sec. 80. Section 328.36, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 81. Section 329.1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The following words, terms, and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meaning ~~herein~~ given in this section, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:

Sec. 82. Section 331.389, subsection 4, paragraph c, Code 2023, is amended to read as follows:

c. In addition to the regional governance agreement requirements in section 331.392, the department may compel ~~the~~ a county and region to engage in mediation for resolution of a dispute. The costs incurred for mediation shall be paid by the county and the region in dispute according to their governance agreement.

Sec. 83. Section 331.427, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of the county, including revenues received under sections 91.11, 101A.3, 101A.7, 123.36, ~~123.143,~~ 142D.9, 176A.8, 321.105, 321.152, 321G.7, 321I.8, section 331.554, subsection 6, sections 341A.20, 364.3, 368.21, 423A.7, 428A.8, 433.15, 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.329, 556B.1, 583.6, 602.8108, 904.908, and 906.17, and the following:

Sec. 84. Section 335.10, subsection 1, Code 2023, is amended to read as follows:

1. The board of supervisors shall provide for the appointment of a board of adjustment, ~~and in.~~ In the regulations and restrictions adopted pursuant to the authority of this chapter, the board of supervisors shall provide that the ~~said~~ board of adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinances or regulations. The exceptions shall be in harmony with ~~its~~ the general purpose and intent and in accordance with the general or specific rules contained in the ordinances or regulations, ~~and.~~ The board of supervisors shall provide that any property owner aggrieved by the action of the board of supervisors in the adoption of ~~such~~ the regulations and restrictions may petition the ~~said~~ board

of adjustment ~~direct~~ to modify regulations and restrictions as applied to ~~such~~ the aggrieved property owners.

Sec. 85. Section 347.32, Code 2023, is amended to read as follows:

347.32 Tax status.

This chapter does not deprive any hospital of its tax exempt or nonprofit status, except that any portion of hospital property which is used for purposes other than nonprofit, health-related purposes shall be subject to property tax as provided for in [section 427.1, subsection 14](#).

Sec. 86. Section 357.7, Code 2023, is amended to read as follows:

357.7 Water source without district.

1. ~~When in any proposed benefited water district, If~~ it is anticipated that the source of water supply will be ~~without the~~ outside of and not under control of any proposed benefited water district, ~~and not under its control,~~ the board of supervisors shall instruct the engineer who is appointed under section 357.6 to make the preliminary design and dummy assessment, ~~to also obtain a written statement from~~ the corporation or municipality which controls the proposed source of supply, ~~a statement in writing,~~ outlining the terms upon which water will be furnished to the district, ~~or to the individuals within the district and on what terms in either case.~~

2. This preliminary proposal from the governing body of the source of supply shall be binding, ~~and shall be in the nature of an option to purchase water by the district, or the individual~~ individuals within the ~~same~~ district, if and when the proposed benefited water district ~~shall have completed~~ completes its construction, ~~and is ready to use water.~~ This proposal shall accompany and be a part of the engineer's preliminary report to the board of supervisors.

Sec. 87. Section 357.9, Code 2023, is amended to read as follows:

357.9 Compensation of engineer.

The compensation of ~~such~~ the engineer ~~on~~ appointed under [section 357.6](#) to conduct the preliminary investigation shall be determined by the board of supervisors and may be by percentage

or per diem.

Sec. 88. Section 357.11, Code 2023, is amended to read as follows:

357.11 Hearing on report.

On receipt of the engineer's report filed under section 357.10, the board of supervisors shall give notice in the ~~same~~ manner ~~as before~~, provided in section 357.4 of a hearing on the engineer's tentative design and dummy plat. On the day set, or within ten days thereafter, the board of supervisors shall approve or disapprove the engineer's plan and proposed assessment. If it shall appear advisable, the board of supervisors may make changes in the design and assessment, as they appear on the dummy plat.

Sec. 89. Section 357.16, Code 2023, is amended to read as follows:

357.16 Second election.

If the majority of the votes cast at ~~said~~ the second election ~~be held pursuant to section 357.15~~ are in favor of ~~said~~ the proposed improvement, the board of supervisors shall again advertise for bids in the ~~same manner as before~~ provided under section 357.14. If the bids at the second letting will not necessitate raising the second preliminary assessment more than ten percent, the board may let the contract to the lowest responsible bidder.

Sec. 90. Section 357.30, Code 2023, is amended to read as follows:

357.30 Additional territory.

~~When the~~ If a district is under the control of trustees, ~~they the trustees~~ are empowered to deal with parties without the district who desire to be taken into the district or to obtain water from the district ~~and~~. The trustees shall determine the amount to be assessed against ~~said district~~ the territory to be taken in or connected with the district. The trustees shall have power in such cases to make agreements for the district, and may, with the consent of the board of supervisors, alter the district boundaries to take in the additional territory. ~~No~~ If an owner of a lot or parcel has paid any assessment to a district, the lot or parcel of land shall not be put out of a the district without the consent of the owner, ~~after it has~~

~~paid any assessment to the district.~~

Sec. 91. Section 357.34, Code 2023, is amended to read as follows:

357.34 Conveyance of district to city.

1. ~~Where~~ If a city is situated wholly or partly within a benefited water district or the source of supply for ~~such a~~ a benefited water district is a municipal water system, the board of supervisors having jurisdiction of ~~said the~~ the benefited water district, at the request of the trustees of ~~said the~~ the benefited water district, may, by proper resolution, convey ~~unto said to the~~ to the city any and all rights ~~which said that the~~ that the board of supervisors may have in and to ~~said the~~ the benefited water district. ~~Said~~ The conveyance, however, shall not become effective until all existing obligations against ~~said the~~ the district have been completely and fully discharged and ~~such the~~ the conveyance accepted and confirmed by a resolution of the council of ~~said that~~ that city or of the board of waterworks trustees of ~~said that~~ that city, if there ~~be~~ is one, specially passed for ~~such that~~ that purpose.

2. Upon acceptance, the district, including the plant and distribution system, as well as all funds and credits, shall become the property of ~~said the~~ the city and be operated and used by ~~it the~~ the city to the same extent as if acquired under such provisions of law under which ~~said the~~ the city is then operating its waterworks. ~~Also~~ Upon acceptance by the city, the offices of the trustees as provided in [this chapter](#) shall be abolished ~~upon acceptance by the city and their~~ the duties of the ~~trustees~~ as such shall immediately cease.

Sec. 92. Section 357B.4, Code 2023, is amended to read as follows:

357B.4 Anticipation of tax.

The board of trustees of a benefited fire district may anticipate the collection of taxes authorized under section 357B.3 and, for the purpose of providing fire protection, may issue bonds payable in not more than ten equal installments at an interest rate not exceeding that permitted by chapter 74A. The bonds shall be in such form and payable at such place as specified by resolution of the board of trustees. The provisions of [sections 73A.12 ~~to~~ through 73A.16](#) and [chapter 384](#)

shall apply to such bonds to the extent applicable.

Sec. 93. Section 358.16, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. Nothing contained ~~herein~~ in this section shall be construed to authorize or empower such board of trustees to operate a system of waterworks for the purpose of furnishing water to the inhabitants of the district, or to construct, maintain, or operate local municipal sewerage facilities, or to deprive municipalities within the district of their powers to construct and operate sewers for local purposes within their limits.

Sec. 94. Section 388.3, subsection 6, Code 2023, is amended to read as follows:

6. The provisions of ~~this section~~ subsections 4 and 5 do not apply to a city with a population of more than two hundred thousand according to the 2020 federal decennial census.

Sec. 95. Section 414.1, subsection 1, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) Except ~~when~~ as provided in subparagraph (2), when there is a replacement of a preexisting manufactured, modular, or mobile home with any other manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the city shall not adopt or enforce any ordinance, regulation, or restriction, or impose any conditions on the replacement home, home site upon which the home sits, or the owner's property that were not required of the preexisting home, home site, or property, that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home, home site upon which the home sat, or the owner's property.

Sec. 96. Section 422.7, subsection 13, paragraph a, subparagraph (5), Code 2023, is amended to read as follows:

(5) (a) *"Real property used in a farming business"* means all tracts of land and the improvements and structures located on such tracts which are in good faith used primarily for a farming business. Buildings which are primarily used or

intended for human habitation are deemed to be used in a farming business when the building is located on or adjacent to the parcel used in the farming business. Land and the nonresidential improvements and structures located on such land that shall be considered to be used primarily in a farming business include but are not limited to land, improvements, or structures used for the storage or maintenance of farm machinery or equipment, for the drying, storage, handling, or preservation of agricultural crops, or for the storage of farm inputs, feed, or manure. Real property used in a farming business shall also include woodland, wasteland, pastureland, and idled land used for the conservation of natural resources including soil and water.

(b) Real property classified as agricultural property for Iowa property tax purposes, except real property described in section 441.21, subsection 12, paragraph "a" or "b", shall be presumed to be real property used in a farming business. ~~This~~ However, this presumption is rebuttable ~~by~~ if the department shows by a preponderance of evidence that the real property did not meet the requirements of subparagraph division (a).

Sec. 97. Section 422.7, subsection 13, paragraph d, Code 2023, is amended to read as follows:

d. For a taxpayer who is a retired farmer, subtract the net capital gain from the sale of breeding livestock, other than cattle and horses, if the livestock is held by the taxpayer for a period of twelve months or more from the date of acquisition; but only if the taxpayer materially participated in the farming business for five of the eight years preceding the farmer's retirement or disability and ~~who~~ has sold all or substantially all of the taxpayer's interest in the farming business by the time the election under this paragraph is made.

Sec. 98. Section 422.12C, subsection 4, Code 2023, is amended to read as follows:

4. Married taxpayers who have filed joint federal returns electing to file separate returns must determine the child and dependent care credit under [subsection 1](#) or the early childhood development tax credit under [subsection 2](#) based upon their combined net income and allocate the total credit amount to each spouse in the proportion that each spouse's respective net

income bears to the total combined net income. Nonresidents or part-year residents of Iowa must determine their Iowa child and dependent care credit under subsection 1 or the early childhood development tax credit under subsection 2 in the ratio of their Iowa source net income to their all source net income. Nonresidents or part-year residents who are married and elect to file separate returns must allocate the Iowa child and dependent care credit under subsection 1 or the early childhood development tax credit under subsection 2 between the spouses in the ratio of each spouse's Iowa source net income to the combined Iowa source net income of the taxpayers.

Sec. 99. Section 422.16, subsection 12, paragraph a, Code 2023, is amended to read as follows:

a. In the case of nonresidents having income subject to taxation by Iowa, but not subject to withholding of such tax under [subsection 1](#) or subject to the provisions of section 422.16B, withholding agents shall withhold from such income at the same rate as provided in [subsection 1](#), and such withholding agents and such nonresidents shall be subject to the provisions of [this section](#), according to the context, except that such withholding agents may be absolved of such requirement to withhold taxes from such nonresident's income upon receipt of a certificate from the department issued in accordance with the provisions of [section 422.17](#), ~~as hereby amended~~. In the case of nonresidents having income from a trade or business carried on by them in whole or in part within the state of Iowa, such nonresident shall be considered to be subject to the provisions of [this subsection](#) unless such trade or business is of such nature that the business entity itself, as a withholding agent, is required to and does withhold Iowa income tax from the distributions made to such nonresident from such trade or business.

Sec. 100. Section 422.72, subsection 7, paragraph a, Code 2023, is amended to read as follows:

a. Notwithstanding [subsection 3](#), the director shall provide state tax returns and return information in response to a subpoena issued by the court pursuant to [rule of criminal procedure 2-5 2.15](#) commanding the appearance before the attorney general or an assistant attorney general if the

subpoena is accompanied by affidavits from such person and from a sworn peace officer member of the department of public safety affirming that the information is necessary for the investigation of a felony violation of [chapter 124](#) or chapter 706B.

Sec. 101. Section 423.3, subsection 80, paragraph d, Code 2023, is amended to read as follows:

d. Subject to the limitations in paragraph "c", where the owner, contractor, subcontractor, or builder is also a retailer holding a ~~retail~~ sales or use tax permit and transacting retail sales of building materials, supplies, and equipment, the tax shall not be due when materials are withdrawn from inventory for use in construction performed for a designated exempt entity if an exemption certificate is received from such entity.

Sec. 102. Section 423.4, subsection 9, paragraph a, Code 2023, is amended to read as follows:

a. The person must be engaged in the manufacturing of biodiesel ~~who has~~ and be registered with the United States environmental protection agency as a manufacturer according to the requirements in [40 C.F.R. §79.4](#). The biodiesel must be for use in biodiesel blended fuel in conformance with the standards and classifications in [section 214A.2](#). The person must comply with the requirements of [this subsection](#) and rules adopted by the department pursuant to [this subsection](#).

Sec. 103. Section 441.19, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. In the event of a failure of any person required to list property to make a supplemental return on or before the fifteenth day of February of any year when the listing is required, the assessor shall proceed in the listing and assessment of the person's property as provided by this chapter. A failure to make a supplemental return does not relieve a person subject to taxation ~~shall not be relieved~~ of the person's obligation to list the person's property ~~through failure to make a supplemental return~~ and any roll prepared by the assessor after receiving a supplemental return, or when prepared in accordance with other provisions of [this chapter](#), shall be a valid assessment.

Sec. 104. Section 452A.84, subsection 2, Code 2023, is amended to read as follows:

2. Subtract from the figure computed pursuant to subsection 1 of this section three percent of the figure for administrative costs. All moneys remaining after claims for the costs of administration have been made shall be transferred to the marine fuel tax fund.

Sec. 105. Section 455B.145, unnumbered paragraph 1, Code 2023, is amended to read as follows:

When an air pollution control program conducted by a political subdivision, or a combination of ~~them~~ political subdivisions, is deemed upon review, as provided in section 455B.134, to be consistent with the provisions of this subchapter II or the rules established under this subchapter II, the director shall accept such program in lieu of state administration and regulation of air pollution within the political subdivisions involved. This section shall not be construed to limit the power of the director to issue state permits and to take other actions consistent with this subchapter II or the rules established under this subchapter that the director deems necessary for the continued proper administration of the air pollution programs within the jurisdiction of the local air pollution program.

Sec. 106. Section 461A.35, subsection 1, Code 2023, is amended to read as follows:

1. ~~It shall be~~ Except upon the terms, conditions, limitations, and restrictions as set forth by the commission, it is unlawful for any person to use, enjoy the privileges of, destroy, injure, or deface plant life, trees, buildings, or other natural or material property; ~~or to construct or operate for private or commercial purposes any structure;~~ ~~or to remove any plant life, trees, buildings, sand, gravel, ice, earth, stone, wood, or other natural material;~~ or to operate vehicles, ~~within the boundaries of any state park, preserve, or stream or any other lands or waters under the jurisdiction of the commission for any purpose whatsoever,~~ ~~except upon the terms, conditions, limitations, and restrictions as set forth by the commission.~~

Sec. 107. Section 461A.64, Code 2023, is amended to read as

follows:

461A.64 Time and place.

~~Said~~ The hearing under section 461A.63 shall be held not be less than ten days nor more than thirty days from the date of the last publication ~~and shall be held~~ of the notice in the office of the commission or such other place as the commission shall decide.

Sec. 108. Section 468.65, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. If ~~they find~~ the board finds the assessments to be generally inequitable they shall order a reclassification of all property subject to assessment, such as lands, highways, and railroads in said district.

Sec. 109. Section 468.102, Code 2023, is amended to read as follows:

468.102 Objections.

Any party interested in the ~~said~~ district or the improvement thereof may file objections to ~~said~~ the report made under section 468.101 and submit any evidence tending to show ~~said~~ that the report should not be accepted. Any interested party having a claim for damages arising out of the construction of the improvement or repair shall file ~~said~~ the claim with the board at or before the time fixed for hearing on the completion of the contract, which claim shall not include any claim for land taken for right-of-way or for severance of land.

Sec. 110. Section 468.104, Code 2023, is amended to read as follows:

468.104 Abandonment of work.

In case any contractor abandons or fails to proceed diligently and properly with the work before completion, or in case the contractor fails to complete the ~~same~~ work in the time and according to the terms of the contract, the board shall make written demand on the contractor and the contractor's surety to proceed with the work within ten days. Service of ~~said~~ the demand may be personal, or by certified mail addressed to the contractor and the surety, respectively, at their places of residence or business, as shown by the records in the auditor's office.

Sec. 111. Section 468.275, Code 2023, is amended to read as

follows:

468.275 Contents of notice — service.

~~Such~~ The notice under section 468.274 shall state the time and place, when, and where the boards of the several counties will meet in joint session for the consideration of ~~said~~ the petition and the report of the commissioners and engineer ~~thereon, and.~~ The notice shall in other respects be the same and served in the same time and manner as required when the district is wholly within one county, except that the auditor of each county shall give notice only to the owners, occupants, encumbrancers, and lienholders of the lots and tracts of land embraced within the proposed district in the auditor's own county as shown by the records of such county.

Sec. 112. Section 468.321, Code 2023, is amended to read as follows:

468.321 Funding bonds.

Such cities may issue their funding bonds for the purpose of securing money to pay any assessment against ~~it~~ the property of the district as provided by law.

Sec. 113. Section 468.325, Code 2023, is amended to read as follows:

468.325 Jurisdiction of municipality.

After the drainage district has been taken over by the city, ~~it~~ the city shall have complete control ~~thereof~~ of the district, and may use the ~~same~~ district for any purpose that ~~said~~ the city through its city council deems proper and necessary for the advancement of the city or its health or welfare, ~~and the.~~ The city shall be responsible for the maintenance and upkeep of ~~said~~ the drainage district only from and after ~~its~~ relinquishment of the district by the board of supervisors to the city.

Sec. 114. Section 478.17, Code 2023, is amended to read as follows:

478.17 Access to lines — damages.

Individuals or corporations operating transmission lines shall have reasonable access to the transmission lines for the purpose of constructing, reconstructing, enlarging, repairing, or locating the poles, wires, or construction and other devices used in or upon any line, but shall pay to the owner

of the lands and of crops ~~all~~ on the lands all damages to the lands or crops caused by entering, using, and occupying the lands for those purposes. **This section** shall not prevent the execution of an agreement between the person or company owning or operating the lines and the owner of the land or crops regarding the use of the land.

Sec. 115. Section 481A.1, subsection 32, Code 2023, is amended to read as follows:

32. *"Take"* or *"taking"* or *"attempting to take"* or *"hunt"* is any pursuing, or any hunting, fishing, killing, trapping, snaring, netting, searching for or shooting at, or stalking or lying in wait for any game, animal, bird, or fish protected by the state laws or rules adopted by the commission whether or not such animal be then subsequently captured, killed, or injured.

Sec. 116. Section 481A.26, Code 2023, is amended to read as follows:

481A.26 Unlawful transportation.

~~No~~ Except as otherwise provided, in any one day, a person, ~~except as otherwise provided,~~ shall not ship, carry, or transport ~~in any one day,~~ game, fish, birds, or animals, except fur-bearing animals, in excess of the number the person is legally permitted to ~~be in possession of such a person~~ possess.

Sec. 117. Section 481A.89, Code 2023, is amended to read as follows:

481A.89 Permit to hold hides.

Upon application, which shall be filed with the commission within ten days after the close of the open season, any person may be permitted to hold hides or skins of fur-bearing animals lawfully taken for a longer time than specified ~~above~~ in section 481A.87. Such application shall be verified and shall show the number and varieties of the skins or hides to be held by the applicant. The commission shall thereupon issue a permit to such applicant to hold such skins or hides, which permit shall authorize the holder to sell or otherwise dispose of such skins or hides.

Sec. 118. Section 483A.7, subsection 5, Code 2023, is amended to read as follows:

5. The commission shall authorize a person hunting wild

turkey with a license that authorizes the use of a shotgun to use a caliber .410 shotgun or a 28-gauge shotgun. A caliber .410 shotgun or a 28-gauge shotgun used for hunting wild turkey shall only shoot shot not smaller than shot size number 10.

Sec. 119. Section 496C.21, subsection 3, Code 2023, is amended to read as follows:

3. A corporation subject to the provisions of [this chapter](#) shall pay the biennial report filing fee and make the biennial report in a form and manner and at the time specified in chapter 490.

Sec. 120. Section 514C.18, subsection 2, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

This section applies to the following classes of third-party payment provider contracts or policies that are delivered, issued for delivery, continued, or renewed in this state ~~on or after July 1, 1999:~~

Sec. 121. Section 515.13, Code 2023, is amended to read as follows:

515.13 Reservation.

~~None of the~~ The provisions of [section 515.12, subsection 5](#), shall not apply to any company ~~heretofore~~ that had organized and was approved by the commissioner of insurance, but which had not completed its organization on May 28, 1937, ~~nor shall~~ section. Section 515.12, subsection 5, also shall not apply to any company ~~already~~ licensed to issue policies prior to May 28, 1937.

Sec. 122. Section 515.20, Code 2023, is amended to read as follows:

515.20 Guaranty capital.

1. A mutual company organized under [this chapter](#) may establish and maintain guaranty capital of at least fifty thousand dollars made up of multiples of ten thousand dollars, divided into shares of not less than fifty dollars each, to be invested as provided for the investment of insurance capital and funds by [section 515.35](#).

2. Guaranty shareholders shall be members of the corporation, and provision may be made for representation of the shareholders of the guaranty capital on the board of

directors of the corporation. The representation shall not exceed one-third of the membership of the board. Guaranty shareholders in a mutual company are subject to the same regulations of law relative to their right to vote as apply to its policyholders.

3. The guaranty capital shall be applied to the payment of the legal obligations of the corporation only when the corporation has exhausted its assets in excess of the unearned premium reserve and other liabilities. If the guaranty capital is thus impaired, the directors may restore the whole, or any part of the capital, by assessment on the corporation's policyholders as provided for in [section 515.18](#).

4. By a legal vote of the policyholders of the corporation at any regular or special meeting of the policyholders of the corporation, the guaranty capital may be fully retired or may be reduced to an amount of not less than fifty thousand dollars, if the net surplus of the corporation together with the remaining guaranty capital is equal to or exceeds the amount of minimum assets required by [this chapter](#) for such companies, and if the commissioner of insurance consents to the action. Due notice of the proposed action on the part of the corporation shall be included in the notice given to policyholders and shareholders of any annual or special meeting and notice of the meeting shall also be given in accordance with the corporation's articles of incorporation.

5. A company with guaranty capital, which has ceased to do business, shall not distribute among its shareholders or policyholders any part of its assets, or guaranty capital, until it has fully performed, or legally canceled, all of its policy obligations. Shareholders of the guaranty capital are entitled to interest on the par value of their shares at a rate to be fixed by the board of directors and approved by the commissioner, cumulative, payable semiannually, and payable only out of the surplus earnings of the company. However, the surplus account of the company shall not be reduced by the payment of the interest below the figure maintained at the time the guaranty capital was established. In addition, the interest payment shall not be made unless the surplus assets remaining after the payment of the interest at least equal

the amount required by the statutes of Iowa to permit the corporation to continue in business.

6. In the event of the dissolution and liquidation of a corporation having guaranty capital under [this section](#), the shareholders of the capital are entitled, after the payment of all valid obligations of the company, to receive the par value of their respective shares, together with any unpaid interest on their shares, before there may be any distribution of the assets of the corporation among its policyholders. ~~These~~

7. The provisions of this section are in addition to and independent of the provisions contained in [section 515.19](#).

Sec. 123. Section 515.134, Code 2023, is amended to read as follows:

515.134 Failure to attach — effect.

~~The omission so to do shall not render the policy invalid, but if~~ If any company or association neglects to comply with the requirements of [section 515.133](#), the omission shall not render the policy invalid, but the company or association shall forever be precluded from pleading, alleging, ~~or~~ proving ~~any such~~ or establishing the falsity of the application or representations, or any part ~~thereof, or falsity thereof, or any parts thereof~~ of the application or representations, in any action upon the policy, ~~and the~~. The plaintiff in any such action shall not be required, in order to recover against the company or association, either to plead or prove ~~such~~ the application or representation, but may do so at the plaintiff's option.

Sec. 124. Section 515A.18, subsection 1, Code 2023, is amended to read as follows:

1. Any person, insurer, or rating organization to which the commissioner has directed an order made without a hearing may, within thirty days after receipt of the notice ~~to it~~ of ~~such~~ the order, make written request to the commissioner for a hearing ~~thereon on the order~~. The commissioner shall ~~hear~~ conduct a hearing within twenty days after receipt of ~~such~~ the request and shall give not less than ten days' written notice of the time and place of the hearing. Within fifteen days after ~~such~~ the hearing the commissioner shall affirm, reverse, or modify the previous action,

specifying the commissioner's reasons therefor. ~~Pending such hearing and decision thereon the~~ The commissioner may suspend or postpone the effective date of the commissioner's previous action until after the hearing and decision.

Sec. 125. Section 516A.1, subsection 2, Code 2023, is amended to read as follows:

2. However, the named insured may reject all of such coverage, or reject the uninsured motor vehicle ~~{or hit-and-run motor vehicle}~~ coverage, or reject the underinsured motor vehicle coverage, by written rejections signed by the named insured. If rejection is made on a form or document furnished by an insurance company or insurance producer, it shall be on a separate sheet of paper which contains only the rejection and information directly related to it. Such coverage need not be provided in or supplemental to a renewal policy if the named insured has rejected the coverage in connection with a policy previously issued to the named insured by the same insurer.

Sec. 126. Section 521A.2, subsection 4, Code 2023, is amended to read as follows:

4. *Exemption from investment restrictions.* Investments in common stock, preferred stock, debt obligations or other securities of subsidiaries made pursuant to [subsection 3](#) of [this section](#) hereof shall not be subject to any of the otherwise applicable restrictions or prohibitions contained in the Code applicable to such investments of insurers.

Sec. 127. Section 521A.3, subsection 2, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The statement to be filed with the commissioner ~~hereunder~~ under this section shall be made under oath or affirmation and shall contain the following:

Sec. 128. Section 521A.4, subsection 8, Code 2023, is amended to read as follows:

8. *Consolidated filing.* The commissioner may require or allow two or more affiliated insurers subject to registration ~~hereunder~~ under subsection 1 of this section to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

Sec. 129. Section 521A.9, Code 2023, is amended to read as follows:

521A.9 Injunctions — prohibitions against voting securities — sequestration of voting securities.

1. *Injunctions.* Whenever it appears to the commissioner that any insurer or any director, officer, employee, or agent thereof has committed or is about to commit a violation of this chapter or any rule, regulation, or order issued by the commissioner ~~hereunder~~ under this chapter, the commissioner may apply to the district court of the county in which the principal office of the insurer is located or if such insurer has no such office in this state then to the district court of Polk county for an order enjoining such insurer or such director, officer, employee, or agent thereof from violating or continuing to violate **this chapter** or any such rule, regulation, or order, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors, and shareholders or the public may require.

2. *Voting of securities — when prohibited.* No security which is the subject of any agreement or arrangement regarding acquisition, or which is acquired or to be acquired, in contravention of the provisions of **this chapter** or of any rule, regulation, or order issued by the commissioner ~~hereunder~~ under this chapter may be voted at any shareholders' meeting, or may be counted for quorum purposes, and any action of shareholders requiring the affirmative vote of a percentage of shares may be taken as though such securities were not issued and outstanding; but no action taken at any such meeting shall be invalidated by the voting of such securities, unless the action would materially affect control of the insurer or unless the district court has so ordered. If any insurer or the commissioner has reason to believe that any security of the insurer has been or is about to be acquired in contravention of the provisions of **this chapter** or of any rule, regulation, or order issued by the commissioner ~~hereunder~~ under this chapter the insurer or the commissioner may apply to the district court of Polk county or to the district court for the county in which the insurer has its principal place of business to enjoin any

offer, request, invitation, agreement, or acquisition made in contravention of [section 521A.3](#) or any rule, regulation, or order issued by the commissioner ~~thereunder~~ under section 521A.3 to enjoin the voting of any security so acquired, to void any vote of such security already cast at any meeting of shareholders, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors, and shareholders or the public may require.

3. *Sequestration of voting securities.* In any case where a person has acquired or is proposing to acquire any voting securities in violation of [this chapter](#) or any rule, regulation, or order issued by the commissioner ~~hereunder~~ under this chapter, the district court of Polk county or the district court for the county in which the insurer has its principal place of business may, on such notice as the court deems appropriate, upon the application of the insurer or the commissioner seize or sequester any voting securities of the insurer owned directly or indirectly by such person, and issue such orders with respect thereto as may be appropriate to effectuate the provisions of [this chapter](#). Notwithstanding any other provisions of law, for the purposes of [this chapter](#) the situs of the ownership of the securities of domestic insurers shall be deemed to be in this state.

Sec. 130. Section 523A.501, subsection 1, Code 2023, is amended to read as follows:

1. A person shall not advertise, sell, promote, or offer to furnish cemetery merchandise, funeral merchandise, funeral services, or a combination thereof when performance or delivery may be more than one hundred twenty days following the initial payment on the account ~~without~~ unless the person has a preneed seller's license.

Sec. 131. Section 524.228, subsection 1, Code 2023, is amended to read as follows:

1. If it appears to the superintendent that a state bank, or any director, officer, employee, or substantial shareholder of the state bank is engaging in or is about to engage in an unsafe or unsound practice or dishonest act in conducting the business of the state bank that is likely to cause insolvency or substantial dissipation of assets or earnings of the state

bank, or is likely to seriously weaken the condition of the state bank or otherwise seriously prejudice the interests of its depositors prior to the completion of the proceedings conducted pursuant to [section 524.223](#), 524.606, subsection 2, or [524.707, subsection 2](#), the superintendent may issue an emergency order requiring the state bank, director, officer, employee, or substantial shareholder to cease and desist from any such practice or act, and to take affirmative action, including suspension of the director, officer, or employee to prevent such insolvency, dissipation, condition, or prejudice pending completion of the proceedings. The emergency order becomes effective upon service upon the state bank, or upon the director, officer, employee, or substantial shareholder of the state bank ~~and, unless~~. Unless set aside, limited, or suspended by a court as provided in [this chapter](#), the emergency order remains effective and enforceable pending the completion of the administrative proceedings pursuant to the emergency order and until such time as the superintendent dismisses the charges specified in the emergency order, ~~or, if~~. If a final cease and desist order is issued against the state bank or the director, officer, employee, or substantial shareholder, the emergency order remains in effect until the effective date of the final order.

Sec. 132. Section 524.536, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. A shareholder, or the shareholder's agent or attorney, is entitled on written demand to inspect the list at any time during usual business hours and at the ~~shareholders'~~ shareholder's expense, during the period it is available for inspection.

Sec. 133. Section 524.1301, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A majority of the incorporators, organizers, or initial directors of a state bank that has not issued shares or has not commenced business may dissolve the state bank by delivering articles of dissolution to the superintendent, together with the applicable filing fees, for filing with the secretary of state that set forth all of the following:

Sec. 134. Section 524.1404, Code 2023, is amended to read

as follows:

524.1404 Procedure after approval by the superintendent — issuance of certificate of merger.

If applicable state or federal laws require the approval of the merger by a federal or state agency, the superintendent may withhold delivery of the approved articles of merger until the superintendent receives notice of the decision of such agency. If the final approval of the agency is not given within six months of the superintendent's approval, the superintendent shall notify the parties to the plan of merger that the approval of the superintendent has been rescinded for that reason. If such agency gives its approval, the superintendent shall deliver the articles of merger, with the superintendent's approval indicated on the articles, to the secretary of state, and shall notify the parties to the plan of merger. The receipt of the approved articles of merger by the secretary of state constitutes filing of the articles of merger with that office. On the date upon which the merger is effective, the secretary of state shall issue and send a certificate of merger ~~and send the same~~ to the resulting state bank and send a copy of the certificate of merger to the superintendent.

Sec. 135. Section 524.1504, subsection 1, paragraph f, Code 2023, is amended to read as follows:

f. The number of shares or member votes voted for and against such amendment, respectively, and if the shares of any class are entitled to vote ~~thereon~~ on the amendment as a class, the number of shares of each such class voted for and against such amendment.

Sec. 136. Section 524.1611, Code 2023, is amended to read as follows:

524.1611 Offenses involving employees of banking division.

1. Any person violating ~~the provisions of~~ section 524.211, subsection 1, shall be guilty of a fraudulent practice, and shall be subject to a further fine of a sum equal to the amount of the value of the property given or received or the money so loaned or borrowed. An employee of the division of banking convicted of a violation of ~~such~~ section 524.211, subsection 1, shall be immediately discharged from employment and shall be forever disqualified from holding any position in the banking

division.

2. Any examiner violating ~~the provision of~~ section 524.212 shall be guilty of a serious misdemeanor. Any examiner convicted of a violation of [section 524.212](#) shall be immediately discharged from employment and shall be forever disqualified from holding any position in the banking division.

Sec. 137. Section 536.21, Code 2023, is amended to read as follows:

536.21 Rules.

The superintendent is hereby authorized and empowered to adopt such reasonable and relevant rules pursuant to chapter 17A as may be necessary for the execution and the enforcement of the provisions of [this chapter](#)~~7~~. Rules adopted shall be in addition hereto to and not inconsistent herewith with the requirements of this chapter.

Sec. 138. Section 536.26, subsection 5, Code 2023, is amended to read as follows:

5. If a borrower procures insurance by or through a licensee, the licensee shall cause to be delivered to the borrower a copy of the policy within fifteen days from the date such insurance is procured. No licensee shall decline new or existing insurance which meets the standards set out ~~herein~~ in this section nor prevent any obligor from obtaining such insurance coverage from other sources.

Sec. 139. Section 537.2307, Code 2023, is amended to read as follows:

537.2307 Restrictions on interest in land as security.

With respect to a supervised loan in which the rate of finance charge is in excess of fifteen percent computed according to the actuarial method, and the amount financed is two thousand dollars or less, a lender ~~may~~ shall not contract for a security interest in real property used as a residence for the consumer or the consumer's dependents. A security interest taken in violation of [this section](#) is void.

Sec. 140. Section 543B.35, Code 2023, is amended to read as follows:

543B.35 Hearing on charges.

The real estate commission shall, upon request of the applicant as provided in [section 543B.19](#), or before revoking

any license, set the matter down for a hearing ~~and at~~. At least twenty days prior to the date set for the hearing it, the commission shall notify send a written notice to the applicant or licensee in writing, which said notice shall contain containing an exact statement of the charges made and the date and place of the hearing. ~~The~~ At the hearing, an applicant or licensee at all such hearings shall have the opportunity to be heard in person and by counsel ~~in reference thereto~~. ~~Such~~ The written notice of hearing may be served by delivery personally to the applicant or licensee or by mailing the ~~same~~ notice by certified mail to the last known business address of such applicant or licensee. If such applicant or licensee ~~be~~ is a salesperson, the commission shall also notify the broker employing the salesperson, or into whose employ the salesperson is about to enter, by mailing such notice by certified mail to the broker's last known business address. The hearing on ~~such~~ the charges shall be at such time and place as the commission shall prescribe.

Sec. 141. Section 543B.44, Code 2023, is amended to read as follows:

543B.44 Complaints referred to court.

The real estate commission may refer a complaint for violation of [section 543B.1](#) before any court of competent jurisdiction, ~~and it~~. The commission may also take the necessary legal steps through the proper legal officers of this state to enforce the provisions hereof of and collect the penalties herein provided in this chapter.

Sec. 142. Section 558.7, Code 2023, is amended to read as follows:

558.7 Assignment of certificate of entry deemed deed.

~~When~~ An assignment shall have the same force and effect as a deed of conveyance and shall be conclusively presumed to carry all right, title, and interest of the patentee of the real estate, the same as though a deed of conveyance had been subsequently executed by the patentee or assignor to a subsequent grantor, when the record shows:

1. That the original entry, certificate of entry, receipt, or duplicate thereof has been assigned;
2. That prior or subsequent to such assignment, the United

States or state issued a patent or conveyance to the assignor;

3. That no deed of conveyance appears on record from the person who made the original entry or assignor to the assignee; and

4. That the present record owner holds title under such assignment; ~~such assignment shall have the same force and effect as a deed of conveyance and shall be conclusively presumed to carry all right, title, and interest of the patentee of said real estate, the same as though a deed of conveyance had been subsequently executed by the patentee or assignor to a subsequent grantor.~~

Sec. 143. Section 562B.26, Code 2023, is amended to read as follows:

562B.26 Failure to maintain by tenant.

If there is noncompliance by the tenant with [section 562B.18](#) materially affecting health and safety that can be remedied by repair, replacement of a damaged item, or cleaning and the tenant fails to comply as promptly as conditions require in case of emergency or within fourteen days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time, the landlord may enter the mobile home space, and cause the work to be done in a skillful manner ~~and~~. The landlord may submit an itemized bill for the actual and reasonable cost or the fair and reasonable value thereof as additional rent on the next date when periodic rent is due, or if the rental agreement was terminated, for immediate payment.

Sec. 144. Section 633.220, Code 2023, is amended to read as follows:

633.220 Afterborn heirs — time of determining relationship.

Heirs of an intestate, ~~begetten~~ conceived before but born after the intestate's death ~~but born thereafter~~, shall inherit as if they had been born in the lifetime of the intestate and had survived the intestate. With this exception, the intestate succession shall be determined by the relationships existing at the time of the death of the intestate.

Sec. 145. Section 633.496, Code 2023, is amended to read as follows:

633.496 Foreign probated wills.

A will probated in any other state or country shall be admitted to probate in this state upon the production of a copy thereof of the will and of the original record of probate~~7~~. The will and record of probate must be authenticated by the certificate of the clerk of the court in which ~~such probate~~ was made the will was probated, or, if there ~~be~~ is no clerk, then by the certificate of the judge of ~~such~~ the court, and by the seal of office of ~~such~~ that officer if the officer or office has a seal.

Sec. 146. Section 639.48, Code 2023, is amended to read as follows:

639.48 Perishable property — examination.

When the sheriff thinks the property attached is in danger of serious and immediate waste and decay, or when the keeping of the ~~same~~ property will necessarily be attended with such expense as greatly to depreciate the amount of proceeds to be realized therefrom, or when the plaintiff makes an affidavit to that effect, the sheriff may summon three persons having the qualifications of jurors to examine the ~~same~~ property.

Sec. 147. Section 659A.3, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Except as otherwise provided in [section 659A.4](#), a depicted individual who is identifiable and who suffers harm from a person's intentional disclosure or threatened disclosure, without the depicted individual's consent, of an intimate image that was private ~~without the depicted individual's consent~~ has a cause of action against the person, if the person knew, or acted with reckless disregard regarding, all of the following:

Sec. 148. Section 664A.7, subsection 5, Code 2023, is amended to read as follows:

5. Violation of a no-contact order entered for the offense or alleged offense of domestic abuse assault in violation of [section 708.2A](#)~~7~~, or for the offense or alleged offense of older individual assault in violation of [section 708.2D](#), or a violation of a protective order issued pursuant to chapter 232, [235F](#), [236](#), [236A](#), [598](#), or [915](#) constitutes a public offense and is punishable as a simple misdemeanor. Alternatively, the court may hold a person in contempt of court for such a violation, as provided in [subsection 3](#).

Sec. 149. Section 692A.128, subsection 3, paragraph f, Code 2023, is amended to read as follows:

f. The sex offender is not incarcerated when the application is filed.

~~(1) A tier I offender must not have been convicted of any criminal offense other than a simple misdemeanor, or a simple or serious misdemeanor or traffic violation under [chapter 321](#), for the ten-year period immediately preceding the filing of the application.~~

~~(2) A tier II or tier III offender shall not have been convicted of any criminal offense other than a simple misdemeanor, or a simple or serious misdemeanor or traffic violation under [chapter 321](#), for the fifteen-year period immediately preceding the filing of the application.~~

Sec. 150. Section 692A.128, subsection 3, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *g.* A tier I offender must not have been convicted of any criminal offense other than a simple misdemeanor, or a simple or serious misdemeanor or traffic violation under [chapter 321](#), for the ten-year period immediately preceding the filing of the application.

NEW PARAGRAPH. *h.* A tier II or tier III offender shall not have been convicted of any criminal offense other than a simple misdemeanor, or a simple or serious misdemeanor or traffic violation under [chapter 321](#), for the fifteen-year period immediately preceding the filing of the application.

Sec. 151. Section 708.2D, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Except as otherwise provided in [subsection 2](#), on a second offense of older individual assault, a person commits:

Sec. 152. Section 714I.3, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. Use or provide a patient with human reproductive material for assisted reproduction that is not used or provided with the donor's consent or in a manner or to an extent other than that to which the donor consented.

Sec. 153. Section 726.24, subsection 11, Code 2023, is amended to read as follows:

11. If a person is convicted ~~or~~ of, receives a deferred

judgment for, or pleads guilty to a violation of [this section](#), the court shall modify the no-contact order issued upon initial appearance in the manner provided in [section 664A.5](#), regardless of whether the person is placed on probation.

Sec. 154. Section 815.7, subsection 6, Code 2023, is amended to read as follows:

6. For appointments made on or after July 1, 2021, through June 30, 2022, the reasonable compensation shall be calculated on the basis of seventy-six dollars per hour for class "A" felonies, seventy-one dollars per hour for class "B" felonies, and sixty-six dollars per hour for all other cases.

Sec. 155. 2022 Iowa Acts, chapter 1050, section 1, is amended by striking the section and inserting in lieu thereof the following:

SECTION 1. [Section 511.8, subsection 22](#), paragraph b, subparagraph (2), unnumbered paragraph 1, Code 2022, is amended to read as follows:

Be between an insurer and a conduit and be collateralized by cash or obligations which are eligible under subsection 1, 2, 3, 5, 19, or 24, are deposited with a custodian bank as defined in [subsection 21](#), and are held under a written agreement with the custodian bank that complies with subsection 21 and provides for the proceeds of the collateral, subject to the terms and conditions of the applicable collateral or other credit support agreement, to be remitted to the legal reserve deposit of the company or association and to vest in the state in accordance with [section 508.18](#) whenever proceedings under that section are instituted. Paragraphs "c", "d", and "e" of this subsection are not applicable to investments in financial instruments used in hedging transactions eligible pursuant to this subparagraph. As used in this subparagraph, "conduit" means a person within an insurer's insurance holding company system, as defined in [section 521A.1](#), ~~subsection 7~~, which aggregates hedging transactions by other persons within the insurance holding company system and replicates them with counterparties.

Sec. 156. 2022 Iowa Acts, chapter 1099, section 106, is amended to read as follows:

SEC. 106. APPLICABILITY. This division of this Act applies to agreements entered into between a restaurant and a food delivery platform on or after the effective date of this division of this Act.

Sec. 157. 2022 Iowa Acts, chapter 1131, section 78, is amended to read as follows:

SEC. 78. APPLICABILITY. This division of this Act applies to health carriers that deliver, issue for delivery, continue, or renew a policy, contract, or plan in this state on or after the effective date of this division of this Act.

Sec. 158. REPEAL. Section 97D.3, Code 2023, is repealed.

DIVISION II

EFFECTIVE DATE AND APPLICABILITY PROVISIONS

Sec. 159. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 388.3, subsection 6.

2. The section of this Act amending section 422.12C, subsection 4.

3. The section of this Act amending 2022 Iowa Acts, chapter 1050, section 1.

4. The section of this Act amending 2022 Iowa Acts, chapter 1099, section 106.

5. The section of this Act amending 2022 Iowa Acts, chapter 1131, section 78.

Sec. 160. RETROACTIVE APPLICABILITY. The following applies retroactively to June 14, 2022:

The section of this Act amending 2022 Iowa Acts, chapter 1131, section 78.

Sec. 161. RETROACTIVE APPLICABILITY. The following apply retroactively to July 1, 2022:

1. The section of this Act amending 2022 Iowa Acts, chapter 1050, section 1.

2. The section of this Act amending 2022 Iowa Acts, chapter 1099, section 106.

Sec. 162. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2023:

The section of this Act amending section 422.12C, subsection 4.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 573, Ninetieth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2023

KIM REYNOLDS
Governor